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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,873	06/26/2003	Robert S. Bosko	L-0170.96	5255

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT PAPER NUMBER

1724

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,873

Applicant(s)

BOSKO, ROBERT S.

Examiner

Matthew O. Savage

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 9-35, 38, 41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8, 36, 37, 39, and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's deletion of the word "includes" from the special definition of the term "purified water" on page 5 of the specification is considered new matter by deletion since no basis in the disclosure can be found for the exclusion of purified water having a total dissolved solids content equal to or less than the water being filtered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 36, it is unclear as to what composition "purified water" implies since four alternative definitions are provided on page 5 of the specification.

It is unclear as to how claims 4 and 5 further limit claim 1 since the specification defines purified water as having the composition specified in claims 4 and 5.

It is unclear as to how claims 39 and 40 further limit claim 36 since the specification defines purified water as having the composition specified in claims 39 and 40.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hisada et al.

With respect to claim 1, Hisada et al discloses a method of cleansing a filter 1 including providing a source of purified water (e.g., purified water from the permeate side of the reverse osmosis membrane, see FIG. 6 and lines 35-49 of col. 14), and exposing the filter to the purified water (e.g., via backwashing as shown in FIG. 6 with the permeate).

Concerning claim 2, Hisada et al discloses a filter cartridge 1.

As to claim 4, Hisada et al discloses purified water having a lower total dissolved solids reading than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water.

As to claim 5, Hisada et al discloses purified water having a total dissolved solids

reading of at least 50% less than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water.

Concerning claim 8, Hisada et al discloses backwashing the filter with purified water (e.g., permeate, see FIG. 6 and lines 35-49 of col. 14).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36, 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Hisada et al view of McGowan.

With respect to claim 36, Hisada et al disclose a method for back flushing a filter 1 including allowing purified water into the filtered flow path, and flowing the purified water in the secondary flow path, wherein the secondary flow path allows the purified water to flow backwards through the filter for a predetermined interval to remove or dissolve filtered media or unclog a filter in the primary flow path (see FIG. 6. and lines 35-49 of col. 14). Hisada et al fails to specify the steps of a) switching an inlet valve, a drain valve, and a flush valve in a filtered flow path from a primary flow path used for dispensing operations to a secondary flow path, therein and c) switching the inlet valve, the drain valve, and the flush valve from the secondary flow path to the primary flow

path to resume dispensing operations. McGowan discloses a method of backwashing a filter including the steps of a) switching an inlet valve 22, a drain valve 46, and a flush valve 36 in a filtered flow path from a primary flow path used for dispensing operations to a secondary flow path, therein and c) switching the inlet valve 22, the drain valve 46, and the flush valve 36 from the secondary flow path to the primary flow path to resume dispensing operations (see FIG. 1.). McGowan teaches that such a method allows operation of the filter system from a single pneumatic control panel 24. It would have been obvious to have modified the method of Hisada et al so as to have included the method steps of switching an inlet valve, a drain valve, and a flush valve as suggested by McGowan in order to enable operation of the filter system from a single pneumatic control panel.

Concerning claim 37, McGowan discloses repeating steps a-c to provide continued cleansing of the filter medium (see from line 60 of col. 3 to line 3 of col. 5).

As to claim 39, Hisada et al discloses purified water having a total dissolved solids reading of at least 50% less than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water.

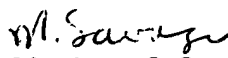
Concerning claim 40, Hisada et al discloses backwashing the filter with purified water (e.g., permeate, see FIG. 6 and lines 35-49 of col. 14).

Applicant's arguments filed 11-15-05 have been fully considered but they are not persuasive.

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Applicant argues that the reverse osmosis membrane 1 disclosed by Hisada et al is not a filter, however, it is held that the reverse osmosis membrane 1 disclosed by Hisada et al is a filter to the extent recited in the instant claims since it can remove contaminants from the water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.


Matthew O Savage
Primary Examiner
Art Unit 1724

mos
November 23, 2005